

SECOND REGULAR SESSION

# HOUSE BILL NO. 2053

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH.

Read 1<sup>st</sup> time February 26, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4843L.011

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### AN ACT

To repeal sections 311.610, 311.630, 407.924, 407.925, 407.926, 407.927, 407.928, 407.929, 407.931, 407.932, 407.933, and 407.934, RSMo, and to enact in lieu thereof twelve new sections relating to tobacco products, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 311.610, 311.630, 407.924, 407.925, 407.926, 407.927, 407.928, 2 407.929, 407.931, 407.932, 407.933, and 407.934, RSMo, are repealed and twelve new sections 3 enacted in lieu thereof, to be known as sections 311.610, 311.630, 407.924, 407.925, 407.926, 4 407.927, 407.928, 407.929, 407.931, 407.932, 407.933, and 407.934, to read as follows:

311.610. 1. For the purpose of carrying out the provisions of this chapter, the liquor 2 control law, [and] the provisions of chapter 312, RSMo, **and sections 407.924 to 407.934,** 3 **RSMo, relating to tobacco products,** the governor, by and with the advice and consent of the 4 senate, shall appoint some suitable person of good moral character over the age of thirty years, 5 who has been a qualified elector in the state of Missouri for at least five years next before the 6 date of his **or her** appointment, as supervisor of liquor control. The supervisor of liquor control 7 shall serve at the pleasure and under the supervision and direction of the governor.

8 2. The supervisor of liquor control shall devote [his entire] **full** time to the duties of [his] 9 office and, with the approval of the governor, appoint and employ all agents, assistants, deputies, 10 inspectors and employees necessary for the proper enforcement and administration of the 11 provisions of the liquor control law [and], the provisions of chapter 312, RSMo, [whose salaries 12 shall be fixed by the governor, but no salary shall be greater than that paid to employees in other 13 state departments for similar work, except that no salary of an agent directly engaged in the

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 enforcement of the liquor control law shall be less than eight thousand dollars a year. In addition  
15 to his salary, the supervisor of liquor control and each of the agents, assistants, deputies,  
16 inspectors and employees shall be reimbursed for all expenses necessarily incurred in the  
17 discharge of their duties. No expenses shall be allowed for sustenance to any supervisor, agent,  
18 assistant, deputy, inspector or employee while in the city or town of his residence] **and sections**  
19 **407.924 to 407.934, RSMo, relating to tobacco products.**

20 3. [Before entering upon the discharge of his duties,] The supervisor of liquor control  
21 shall take and subscribe to an oath to support the Constitution of the United States and of this  
22 state, and **to execute** faithfully [demean himself in] **the duties of such** office[, and shall also  
23 execute bond to the state of Missouri in the penal sum of ten thousand dollars, conditioned for  
24 the faithful performance of the duties of his office, which bond shall be approved by the governor  
25 and deposited with the secretary of state and kept in his office; the premiums of the bond shall  
26 be paid by the state out of funds appropriated for that purpose].

27 4. The supervisor of liquor control shall issue licenses for the manufacture and sale of  
28 ardent spirits, malt, vinous, fermented and every class of liquors used as beverages and having  
29 an alcoholic content in excess of three and two-tenths percent by weight as in this chapter  
30 provided. The supervisor of liquor control shall keep a record of all intoxicating liquor  
31 manufactured, brewed or sold in this state by every brewery, distiller, manufacturer, distributor  
32 or wholesaler, and make a complete report of the same to the governor at the end of each  
33 calendar year, or as soon thereafter as possible.

311.630. 1. The supervisor of liquor control and employees to be selected and  
2 designated as peace officers by the supervisor of liquor control are hereby declared to be peace  
3 officers of the state of Missouri, with full power and authority to make arrests **and searches and**  
4 **seizures** only for violations of the provisions of chapters 311 and 312, RSMo, relating to  
5 intoxicating liquors and nonintoxicating beer, and [to make searches and seizures thereunder]  
6 **sections 407.924 to 407.934, RSMo, relating to tobacco products**, and to serve any process  
7 connected with the enforcement of such laws. The peace officers so designated shall have been  
8 previously appointed and qualified under the provisions of section 311.620 and shall [have  
9 completed the mandatory standards for the basic training and certification of peace officers  
10 established by the peace officers standards and training commission] **be required to hold a**  
11 **valid peace officer license pursuant to chapter 590, RSMo.**

12 2. The supervisor of liquor control shall furnish such peace officers with credentials  
13 showing their authority and a special badge, which they shall carry on their person at all times  
14 while on duty. The names of the peace officers so designated shall be made a matter of public  
15 record in the office of the supervisor of liquor control.

16 3. All fees for the arrest and transportation of persons arrested and for the service of writs

17 and process shall be the same as provided by law in criminal proceedings and shall be taxed as  
18 costs.

407.924. 1. [The division of liquor control within the department of public safety shall  
2 implement and enforce the provisions of sections 407.925 to 407.934] **Any peace officer with  
3 general law enforcement authority may enforce sections 407.925 to 407.934. Nothing in  
4 sections 407.925 to 407.934 shall prohibit any local political subdivision from enacting or  
5 enforcing more stringent ordinances or rules.**

6 2. Beginning January 1, 2003, the division of liquor control shall submit an annual report  
7 to the general assembly on the effectiveness of sections 407.925 to 407.934 in reducing tobacco  
8 possession by minors and the enforcement activities by the division for violations of sections  
9 407.925 to 407.934.

407.925. As used in sections [407.925 to 407.932] **407.924 to 407.934**, the following  
2 terms mean:

3 (1) "Center of youth activities", any playground, school or other facility, when such  
4 facility is being used primarily by persons under the age of eighteen for recreational, educational  
5 or other purposes;

6 (2) "Distribute", a conveyance to the public by sale, barter, gift or sample;

7 (3) "Minor", a person under the age of eighteen;

8 (4) "Municipality", the city, village or town within which tobacco products are sold or  
9 distributed or, in the case of tobacco products that are not sold or distributed within a city, village  
10 or town, the county in which they are sold or distributed;

11 (5) "Person", an individual, partnership, copartnership, firm, company, public or private  
12 corporation, association, joint stock company, trust, estate, political subdivision or any agency,  
13 board, department or bureau of the state or federal government, or any other legal entity which  
14 is recognized by law as the subject of rights and duties;

15 (6) "Proof of age", a [driver's license or other generally accepted] means of identification  
16 that contains a picture of the individual [and], appears on its face to be valid, **and that is either  
17 a license or nondriver's license card issued pursuant to chapter 302, RSMo, a license  
18 authorizing a person to operate a motor vehicle issued by a state or possession of the  
19 United States, an identification card issued by a uniformed service of the United States, or  
20 a valid passport;**

21 (7) "Registered seller", **a person who has registered with the department of revenue  
22 as a tobacco seller pursuant to subsection 1 of section 407.934;**

23 (8) "Rolling papers", paper designed, manufactured, marketed, or sold for use primarily  
24 as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a  
25 smokable cigarette;

26        [(8)] (9) "Sample", a tobacco product distributed to members of the general public at no  
27 cost or at nominal cost for product promotional purposes;

28        [(9)] (10) "Sampling", the distribution to members of the general public of tobacco  
29 product samples;

30        [(10)] (11) "Tobacco products", any substance containing tobacco leaf, including, but  
31 not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco;

32        [(11)] (12) "Vending machine", any mechanical electric or electronic, self-service device  
33 which, upon insertion of money, tokens or any other form of payment, dispenses tobacco  
34 products.

407.926. 1. Any person or entity who sells tobacco products shall deny the sale of such  
2 tobacco products to any person who is less than eighteen years of age.

3        2. Any person or entity who sells or distributes tobacco products by mail or through the  
4 Internet in this state in violation of subsection 1 of this section shall be [assessed] **guilty of a**  
5 **misdemeanor punishable by** a fine of two hundred fifty dollars for the first violation and five  
6 hundred dollars for each subsequent violation.

407.927. [The owner of an establishment at which tobacco products or rolling papers are  
2 sold at retail or through vending machines] **1. Every registered seller** shall cause to be  
3 prominently displayed in a conspicuous place at every display from which tobacco products are  
4 sold and on every vending machine where tobacco products are purchased a sign that shall:

5        (1) Contain in red lettering at least one-half inch high on a white background the  
6 following: "It is a violation of state law for cigarettes or other tobacco products to be sold or  
7 otherwise provided to any person under the age of eighteen or for such person to purchase,  
8 attempt to purchase or possess cigarettes or other tobacco products."; and

9        (2) Include a depiction of a pack of cigarettes at least two inches high defaced by a red  
10 diagonal diameter of a surrounding red circle, and the words "Under 18".

11        **2. Any registered seller who violates this section shall be guilty of an infraction.**  
12 **The penalty for violation of this section shall be:**

13        (1) **For the first offense, a fine of twenty-five dollars;**

14        (2) **For the second offense, a fine of one hundred dollars;**

15        (3) **For a third or subsequent offense, a fine of two hundred dollars.**

407.928. **1.** No person or entity shall sell **any** individual [packs of cigarettes or  
2 smokeless] **package of** tobacco products unless such [packs satisfy one of the following  
3 conditions prior to the time of sale] **package:**

4        (1) [It] Is sold through a vending machine; or

5        (2) [It] Is displayed **for sale** behind the check-out counter or [it is] within the  
6 unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

7           **2. Any person who violates this section shall be guilty of an infraction.**

407.929. 1. A person or entity selling tobacco products or rolling papers or distributing  
2 tobacco product samples shall require proof of age from a prospective purchaser or recipient if  
3 an ordinary person would conclude on the basis of appearance that such prospective purchaser  
4 or recipient may be under the age of eighteen.

5           2. [The operator's or chauffeur's license issued pursuant to the provisions of section  
6 302.177, RSMo, or the operator's or chauffeur's license issued pursuant to the laws of any state  
7 or possession of the United States to residents of those states or possessions, or an identification  
8 card as provided for in section 302.181, RSMo, or the identification card issued by any  
9 uniformed service of the United States, or a valid passport shall be presented by the holder  
10 thereof] **Any person purchasing or attempting to purchase a tobacco product shall present**  
11 **proof of age** upon request of any agent of the division of liquor control, **any law enforcement**  
12 **officer**, or [any owner or employee of an establishment that sells] **the seller of the tobacco**  
13 **product**, for the purpose of aiding the [registrant, agent or employee to determine]  
14 **determination** whether or not the person is at least eighteen years of age [when such person  
15 desires to purchase or possess tobacco products procured from a registrant. Upon such  
16 presentation, the owner or employee of the establishment shall compare the photograph and  
17 physical characteristics noted on the license, identification card or passport with the physical  
18 characteristics of the person presenting the license, identification card or passport.

19           3. Any person who shall, without authorization from the department of revenue,  
20 reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license  
21 or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be  
22 subject to a fine of not more than one thousand dollars, and confinement for not more than one  
23 year, or by both such fine and imprisonment.

24           4. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient  
25 shall be a defense to any action for a violation of subsections 1, 2 and 3 of section 407.931. No  
26 person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on  
27 any single day].

407.931. 1. It shall be unlawful for any person to sell, provide or distribute tobacco  
2 products to persons under eighteen years of age.

3           2. By January 1, 2002, all vending machines that dispense tobacco products shall be  
4 located within the unobstructed line of sight and under the direct supervision of an adult  
5 responsible for preventing [persons less than eighteen years of age] **minors** from purchasing any  
6 tobacco product from such machine or shall be equipped with a lock-out device to prevent the  
7 machines from being operated until the person responsible for monitoring sales from the  
8 machines disables the lock. Such locking device shall be of a design that prevents it from being

9 left in an unlocked condition and which will allow only a single sale when activated. A locking  
10 device shall not be required on machines that are located in areas where [persons less than  
11 eighteen years of age] **minors** are not permitted or **are** prohibited by law. [An owner of an  
12 establishment whose vending machine is not in compliance with the provisions of this subsection  
13 shall be subject to the penalties contained in subsection 5 of this section. A determination of  
14 noncompliance may be made by a local law enforcement agency or the division of liquor  
15 control.] Nothing in this section shall apply to a vending machine if located in a factory, private  
16 club or other location not generally accessible to the general public.

17 3. No person [or entity] shall [sell, provide or] distribute any tobacco product or rolling  
18 papers to any minor, or sell any individual cigarettes to any person in this state. This subsection  
19 shall not apply to the distribution by family members on property that is not open to the public.

20 4. Any person including, but not limited to, [a] **any** sales clerk[, owner or operator] **and**  
21 **any registered seller** who violates [subsection 1, 2 or 3 of] this section [or section 407.927] shall  
22 be **guilty of an infraction and** penalized as follows:

23 (1) For the first offense, **a fine of** twenty-five dollars;

24 (2) For the second offense, **a fine of** one hundred dollars;

25 (3) For a third and subsequent offense, **a fine of** two hundred [fifty] dollars.

26 5. [Any owner of the establishment where tobacco products are available for sale who  
27 violates subsection 3 of this section, in addition to the penalties established in subsection 4 of  
28 this section, shall be penalized in the following manner:

29 (1) For the first violation per location within two years, a reprimand shall be issued by  
30 the division of liquor control;

31 (2) For the second violation per location within two years, the division of liquor control  
32 shall issue a citation prohibiting the outlet from selling tobacco products for a twenty-four-hour  
33 period;

34 (3) For the third violation per location within two years, the division of liquor control  
35 shall issue a citation prohibiting the outlet from selling tobacco products for a forty-eight-hour  
36 period;

37 (4) For the fourth and any subsequent violations per location within two years, the  
38 division of liquor control shall issue a citation prohibiting the outlet from selling tobacco  
39 products for a five-day period.

40 6. Any owner of the establishment where tobacco products are available for sale] **A**  
41 **registered seller** who violates [subsection 3 of] this section shall not be penalized pursuant to  
42 this section **or section 407.932** if such person documents the following:

43 (1) An in-house or other tobacco compliance employee training program was in place  
44 to provide the employee with information on the state and federal regulations regarding tobacco

45 sales to minors. Such training program must be attended by all employees who sell tobacco  
46 products to the general public;

47 (2) A signed statement by the employee stating that the employee has been trained and  
48 understands the state laws and federal regulations regarding the sale of tobacco to minors; and

49 (3) Such in-house or other tobacco compliance training meets the minimum training  
50 criteria, which shall not exceed a total of ninety minutes in length, established by the division  
51 of liquor control.

52 [7.] **6.** The exemption in subsection [6] **5** of this section shall not apply [to any person  
53 who is considered the general owner or operator of the outlet where tobacco products are  
54 available for sale] if:

55 (1) Four or more violations per location of [subsection 3 of] this section occur within a  
56 one-year period; or

57 (2) [Such person] **The registered seller** knowingly violates or knowingly allows his or  
58 her employees to violate [subsection 3 of] this section.

59 [8. If a sale is made by an employee of the owner of an establishment in violation of  
60 sections 407.925 to 407.934, the employee shall be guilty of an offense established in  
61 subsections 1, 2 and 3 of this section. If a vending machine is in violation of section 407.927,  
62 the owner of the establishment shall be guilty of an offense established in subsections 3 and 4  
63 of this section. If a sample is distributed by an employee of a company conducting the sampling,  
64 such employee shall be guilty of an offense established in subsections 3 and 4 of this section.

65 9. A person cited for selling, providing or distributing any tobacco product to any  
66 individual less than eighteen years of age in violation of subsection 1, 2 or 3 of this section shall  
67 conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient,  
68 and such person shall not be found guilty of such violation if such person raises and proves as  
69 an affirmative defense that such individual presented a driver's license or other  
70 government-issued photo identification purporting to establish that such individual was eighteen  
71 years of age or older.

72 10. Any person adversely affected by this section may file an appeal with the  
73 administrative hearing commission which shall be adjudicated pursuant to the procedures  
74 established in chapter 621, RSMo.]

75 **7. Reasonable reliance upon proof of age presented pursuant to subsection 2 of**  
76 **section 407.930 or reasonable reliance upon the appearance of the purchaser or recipient**  
77 **of a tobacco product shall be an affirmative defense to any action for a violation of this**  
78 **section or section 407.932. In order to be reasonable, reliance upon a proof of age shall,**  
79 **at a minimum, include a comparison of the photograph and physical characteristics noted**  
80 **on the proof of age with the physical characteristics of the purchaser or recipient.**

81           **8. Repeated violations of subsection 2 or 3 of this section committed by the same**  
82 **person within a continuous twenty-four hour period shall be deemed to be a single**  
83 **violation of this section and a single violation of section 407.932.**

          407.932. [Nothing in sections 407.925 to 407.932 shall prohibit local political  
2 subdivisions from enacting more stringent ordinances or rules.] **1. Any registered seller who**  
3 **commits any misdemeanor or infraction pursuant to sections 407.924 to 407.934, in**  
4 **addition to any penalty for such misdemeanor or infraction, shall be penalized**  
5 **administratively in the following manner:**

6           **(1) For the first violation per location within any period of two years, a reprimand**  
7 **shall be issued by the division of liquor control;**

8           **(2) For the second violation per location within any period of two years, the division**  
9 **of liquor control shall issue an order prohibiting the outlet from selling tobacco products**  
10 **for a period of twenty-four hours;**

11           **(3) For the third violation per location within any period of two years, the division**  
12 **of liquor control shall issue an order prohibiting the outlet from selling tobacco products**  
13 **for a period of forty-eight hours;**

14           **(4) For the fourth or any subsequent violation per location within any period of two**  
15 **years, the division of liquor control shall issue an order prohibiting the outlet from selling**  
16 **tobacco products for a period of five days.**

17           **2. Whenever any registered seller distributes a tobacco product in violation of an**  
18 **order issued pursuant to this section, the division of liquor control shall issue an order**  
19 **prohibiting the outlet from selling tobacco products for an additional period of five days.**

20           **3. Any person who knowingly distributes a tobacco product in violation of an order**  
21 **issued pursuant to this section shall be guilty of a class A misdemeanor.**

22           **4. The division of liquor control may promulgate rules to administer this section.**  
23 **No rule or portion of a rule promulgated pursuant to the authority of this section shall**  
24 **become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

25           **5. Any registered seller aggrieved by an official administrative action pursuant to**  
26 **this section by the division of liquor control may seek a determination of the action by the**  
27 **administrative hearing commission pursuant to section 621.045, RSMo.**

          407.933. 1. No [person less than eighteen years of age] **minor** shall purchase, attempt  
2 to purchase or possess [cigarettes or other] **any tobacco [products] product** unless such person  
3 is:

4           **(1) An employee of a registered seller [of cigarettes or tobacco products] and is in such**  
5 **possession to effect a sale in the course of employment[.]; or [an employee of the division of**  
6 **liquor control for enforcement purposes]**



(2) Engaged in a state law enforcement or state compliance action under the supervision of a state agency or a local law enforcement agency pursuant to [subsection 5 of] section 407.934; or

(3) Engaged in a local law enforcement action under the supervision of a local law enforcement agency.

2. [Any person less than eighteen years of age shall not] **No minor shall** misrepresent his or her age to purchase [cigarettes or tobacco products] **or otherwise cause the distribution of any tobacco product.**

3. Any person who violates the provisions of this section shall be penalized as follows:

(1) For the first violation, the person is guilty of an infraction and shall have any [cigarettes or] tobacco products confiscated;

(2) For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any [cigarettes or] tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

407.934. 1. [No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license.

2.] Beginning January 1, [2002] **2003, no person shall sell any tobacco product at retail unless the person holds a retail sales tax license and has registered with the department of revenue as a tobacco seller.** The department of revenue shall permit persons to [designate through] **make such registration via** the Internet or by including a place on all sales tax license applications for the applicant to designate himself or herself as a seller of tobacco products and to provide a list of all locations where the applicant sells such products. **Any person who sells tobacco products in violation of this section shall be guilty of a class A misdemeanor. The department of revenue may promulgate rules to implement this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

[3.] **2.** On or before July first of each year, the department of revenue shall make available to the division of liquor control and the department of mental health a complete list of every establishment which sells cigarettes and other tobacco products in this state.

[4.] **3.** The division of liquor control shall have the authority to inspect stores [and], tobacco outlets, **and the premises of any retail sales licensee** for compliance with all laws related to access of tobacco products to minors. The division may employ a person seventeen years of age, with parental consent, to attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco laws.

[5.] **4.** The supervisor of the division of liquor control shall [not use minors to enforce the provisions of this chapter unless the supervisor promulgates rules that establish standards]

23 **promulgate rules** for the use of minors **for the enforcement of sections 407.924 to 407.934.**  
24 [The supervisor shall establish mandatory guidelines for the use of minors in investigations by  
25 a state, county, municipal or other local law enforcement authority which shall be followed by  
26 such authority and which] **No rule or portion of a rule promulgated pursuant to the**  
27 **authority of this section shall become effective unless it has been promulgated pursuant to**  
28 **chapter 536, RSMo. Such rules** shall, at a minimum, provide for the following:

- 29 (1) The minor shall be seventeen years of age;
- 30 (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have  
31 facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive  
32 jewelry;
- 33 (3) The state, county, municipal or other local law enforcement agency shall obtain the  
34 consent of the minor's parent or legal guardian before the use of such minor on a form approved  
35 by the supervisor;
- 36 (4) The state, county, municipal or other local law enforcement agency shall make a  
37 photocopy of the minor's valid identification showing the minor's correct date of birth;
- 38 (5) Any attempt by such minor to purchase tobacco products shall be videotaped or  
39 audiotaped with equipment sufficient to record all statements made by the minor and the seller  
40 of the tobacco product;
- 41 (6) The minor shall carry his or her own identification showing the minor's correct date  
42 of birth and shall, upon request, produce such identification to the seller of the tobacco product;
- 43 (7) The minor shall answer truthfully any questions about his or her age and shall not  
44 remain silent when asked questions regarding his or her age;
- 45 (8) The minor shall not lie to the seller of the tobacco product to induce a sale of tobacco  
46 products;
- 47 (9) The minor shall not be employed by the state, county, municipal or other local law  
48 enforcement agency on an incentive or quota basis;
- 49 (10) The state, county, municipal or other local law enforcement agency shall, within  
50 forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the  
51 establishment if a violation occurs;
- 52 (11) The state, county, municipal or other local law enforcement agency shall maintain  
53 records of each visit to an establishment where a minor is used by the state, county, municipal  
54 or other local law enforcement agency for a period of at least one year following the incident,  
55 regardless of whether a violation occurs at each visit, and such records shall, at a minimum,  
56 include the following information:
  - 57 (a) The signed consent form of the minor's parent or legal guardian;
  - 58 (b) A Polaroid photograph of the minor;

59 (c) A photocopy of the minor's valid identification, showing the minor's correct date of  
60 birth;

61 (d) An information sheet completed by the minor on a form approved by the supervisor;  
62 and

63 (e) The name of each establishment visited by the minor, and the date and time of each  
64 visit.

65 [6.] **5.** If [the] **a** state, county, municipal or other local law enforcement authority uses  
66 minors in investigations or in enforcing or determining violations of this chapter or any local  
67 ordinance and does not comply with the [mandatory guidelines] **rules** established by the  
68 supervisor of liquor control [in subsection 5 of] **pursuant to** this section, the supervisor of liquor  
69 control shall not take any [disciplinary] **administrative** action against the [establishment or]  
70 **registered** seller pursuant to this chapter based on an alleged violation discovered when using  
71 a minor and shall not cooperate in any way with the state, county, municipal or other local law  
72 enforcement authority in prosecuting any alleged violation discovered when using a minor.